**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929**

**WP(C).No. 30063 of 2007(D)**
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**PETITIONER:**
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**MUHAMMED SALIM, S/O.IBRAHIM KUTTY,**
**FAREEDIYALIL, KOTTAMKARA MURI,**
**ELAMPALLOOR VILLAGE, KOLLAM DISTRICT.**

**BY ADV. SRI.ANIL K.NARENDRAN**

**RESPONDENT:**
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**SASIDHARAN PILLAI, KIZHAKKE**
**THOTTUVVILA VEEDU, PERUMON CHERRY,**
**PANAYAM VILLAGE, KOLLAM DISTRICT.**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**M.N. KRISHNAN, J.**

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**W.P.C. NO. 30063 OF 2007**

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**Dated this the 10th day of October, 2007.**

**J U D G M E N T**

This writ petition is filed seeking to set aside Ext.P3 order of the Addl. Munsiff, Kollam whereby the judgment debtor is ordered to be arrested and detained in civil prison for realisation of an amount. I had gone through the order. The judgment debtor is a Sub Registrar and holding a respectable post and even according to the salary certificate produced by him his salary is more than Rs.12,000/-. The amount involved in the suit is about Rs.50,000/-. There is a moral responsibility as well attached to this judgment debtor to pay the liability being a very responsible and respectable Government servant. It is not correct on his part to plead that he is not in a position to pay. But, it has to be stated that when a person is in difficulty and he is intending to pay, he need not be unnecessarily detained in civil prison affecting his civil liberty. Therefore, I feel a reasonable opportunity can be given to him to wipe off the liability as follows.

The writ petitioner is directed to pay a sum of Rs.10,000/- to the decree holder on or before 12.11.07 and to pay the balance amount in four monthly equal instalments commencing from 10.12.07. If he commits default of payment of any of these instalments the benefit conferred on him shall stand cancelled and further proceedings can be done as ordered by the Court below. In order to enable the judgment debtor to wipe off the liability, I direct the Court below to defer the warrant of arrest for the period mentioned above.

The writ petition is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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